

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

1. SHERRY ENGLAND, et al.)
)
 Plaintiffs,)
)
 vs.) Case No. 09-CV-407-JHP TLW
)
 SHERIFF OF DELAWARE COUNTY,)
 in his official capacity,)
)
 Defendant.)

**DEFENDANT'S MOTION AND BRIEF TO COMPEL PLAINTIFF BLEDSOE
TO REAPPEAR FOR DEPOSITION AND ANSWER CERTAIN QUESTIONS
SHE WAS INSTRUCTED NOT TO ANSWER AT HER DEPOSITION**

The Defendant in the above-styled case submits this Motion to Compel with
Respect to Plaintiff Bledsoe's Deposition, for the reasons stated in the following
Brief:

ISSUE PRESENTED

This is a 42 U.S.C. § 1983 case filed against the Delaware County Sheriff in His Official Capacity; there are sixteen Plaintiffs. The Plaintiffs allege that, on various occasions in approximately 2007-2009, they were sexually abused by a Jail employee(s) while they were Delaware County Jail inmates and that they were denied appropriate medical care while they were in the Delaware County Jail. See Pls.' Fourth Amended Complaint [Dkt. 114], at ¶¶ 18-200.

Plaintiff Bledsoe's allegations in this case regard her incarceration in the Delaware County Jail between March 14-21, 2008. The Defendant began the deposition of Plaintiff Kim Bledsoe on March 28, 2011 and concluded it on April 29,

2011. During Bledsoe's deposition, Defendant's counsel asked her the following question which her attorney instructed her not to answer on the basis of the Fifth Amendment privilege:

1. "Do you have any complaint about the way you were treated by the Tulsa Police Department when you were arrested in December of '06?"

See Exhibit 1, Dep. of Bledsoe at p. 84, ln. 11-p. 88, ln. 4.

The above question does not implicate the Fifth Amendment protection because Plaintiff Bledsoe's answer, whatever it may be, does not expose her to criminal liability. The instruction to Plaintiff Bledsoe to not answer this question was improper and Bledsoe should have been allowed to answer this question identified above, and any necessary, related follow up questions. Accordingly, Defendant requests that the Court order Bledsoe to reappear for deposition and answer this question above, as well as any necessary, related follow up questions.

Defendant also requests that it be awarded its fees associated with preparing this Motion. The question identified above is so obviously not entitled to Fifth Amendment protection, that Plaintiffs' counsel should have known not to instruct Plaintiff Bledsoe not to answer these two questions.

Respectfully submitted,

s/Ambre C. Gooch

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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